

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FRANK ALBERIGO,

Plaintiff,

-against-

THE HARTFORD,

Defendants.  
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Civ. Act. No.: 1:10 CV 04735 (NG)(JO)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

DOCUMENT  
ELECTRONICALLY FILED

**PLEASE TAKE NOTICE** that, upon the Declaration of Daniel Zych dated November 23, 2011, and the exhibits annexed thereto, the Declaration of Michael H. Bernstein, Esq. dated December 13, 2011 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated November 17, 2011, the Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, Hartford Life Insurance Company, sued herein as Hartford Life Insurance Company (“Hartford”), by its attorneys, Sedgwick LLP, will move this Court, on a date and at a time to be set by the Court, before the Hon. Nina Gershon, U.S.D.J., at the United States District Courthouse for the Eastern District Of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing plaintiff’s Complaint with prejudice on the grounds that Hartford’s decision to deny the plaintiff’s claim for continuing long term disability plan benefits under the Employee Retirement and Income Security Act of 1974 (“ERISA”) §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), was not arbitrary and capricious.

Dated: New York, New York  
December 13, 2011

Respectfully submitted,

s/

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[SDMA File No, 02489-000090]

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached **NOTICE OF MOTION FOR SUMMARY JUDGMENT** was served via regular mail December 13, 2011 upon:

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s/\_\_\_\_\_  
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